

AMENDED IN ASSEMBLY MAY 13, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2788

Introduced by Committee on Revenue and Taxation (~~Charles Calderon-Portantino~~ (Chair), Beall, *Charles Calderon*, Coto, Harkey, ~~Ma~~, Nestande, ~~Portantino~~, and Saldana)

March 9, 2010

An act to amend Section 42463 of the Public Resources Code, and to amend Sections ~~6480, 7304, 7326, 7339, 7401, 7402, 41030, 41031, 41032, 41136.1, 41137, 41137.1, 41138, 41139, 41140, 41141, 41142, 45855, 45863, 45981, and 45982~~ of, to add Sections 7304.1, 7304.2, 7339.2, and 7360.1 to, and to repeal Sections 8651.8 and 8657 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy: *45855, 45863, 45981, and 45982 of the Revenue and Taxation Code, relating to administrative duties.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2788, as amended, Committee on Revenue and Taxation. ~~Taxation: administration. Transfer of administrative duties.~~

(1) ~~The Motor Vehicle Fuel Tax Law imposes a tax at the rate of \$0.18 per gallon on the removal, entry, sale, delivery, or specified use of motor vehicle fuel, which is gasoline and aviation gasoline. The Use Fuel Tax Law imposes a tax at various rates per gallon on the use of fuel, including the use of alcohol fuel at the rate of \$0.09 per gallon. That law requires a vendor to collect the use fuel tax from the user when the vendor sells and delivers the fuel into a fuel tank.~~

This bill would redefine and reclassify alcohol fuel as motor vehicle fuel, thus imposing the tax on the removal, entry, sale, delivery, or specified use of alcohol fuel under the Motor Vehicle Fuel Tax Law.

~~This bill would impose the tax at a rate equal to one-half the rate of tax imposed with respect to motor vehicle fuel, which would be \$0.09 per gallon. This bill would make other conforming changes.~~

~~The Sales and Use Tax Law requires a supplier or wholesaler of motor vehicle fuel to collect a prepayment of sales tax at the time the motor vehicle fuel tax is imposed, but that law excludes aviation gasoline transactions from the sales tax prepayment obligation.~~

~~This bill would also exclude alcohol fuel transactions from the sales tax prepayment obligation.~~

~~(2) Existing~~

~~Existing law, the Governor's Reorganization Plan No. 1 of 2009, transferred duties of the Division of Telecommunications in the Department of General Services to the office of the State Chief Information Officer, including duties related to implementing revenue generating procedures for the 911 emergency telephone system. Existing law abolished the California Integrated Waste Management Board and transferred specified duties of that board to the Department of Resources Recycling and Recovery, including duties related to electronic waste.~~

~~This bill would make specific conforming changes to reflect the transfer of these duties.~~

~~This bill would take effect immediately as a tax levy.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes-no. State-mandated local program: no.~~

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 42463 of the Public Resources Code is
- 2 amended to read:
- 3 42463. For the purposes of this chapter, the following terms
- 4 have the following meanings, unless the context clearly requires
- 5 otherwise:
- 6 (a) "Account" means the Electronic Waste Recovery and
- 7 Recycling Account created in the Integrated Waste Management
- 8 Fund under Section 42476.
- 9 (b) "Authorized collector" means any of the following:
- 10 (1) A city, county, or district that collects covered electronic
- 11 devices.
- 12 (2) A person or entity that is required or authorized by a city,
- 13 county, or district to collect covered electronic devices pursuant

1 to the terms of a contract, license, permit, or other written
2 authorization.

3 (3) A nonprofit organization that collects or accepts covered
4 electronic devices.

5 (4) A manufacturer or agent of the manufacturer that collects,
6 consolidates, and transports covered electronic devices for
7 recycling from consumers, businesses, institutions, and other
8 generators.

9 (5) An entity that collects, handles, consolidates, and transports
10 covered electronic devices and has filed applicable notifications
11 with the department pursuant to Chapter 23 (commencing with
12 Section 66273.1) of Division 4.5 of Title 22 of the California Code
13 of Regulations.

14 (c) “Consumer” means a person who purchases a new or
15 refurbished covered electronic device in a transaction that is a
16 retail sale or in a transaction to which a use tax applies pursuant
17 to Part 1 (commencing with Section 6001) of Division 2 of the
18 Revenue and Taxation Code.

19 (d) “Department” means the Department of Toxic Substances
20 Control.

21 (e) (1) Except as provided in paragraph (2), “covered electronic
22 device” means a video display device containing a screen greater
23 than four inches, measured diagonally, that is identified in the
24 regulations adopted by the department pursuant to subdivision (b)
25 of Section 25214.10.1 of the Health and Safety Code.

26 (2) “Covered electronic device” does not include any of the
27 following:

28 (A) A video display device that is a part of a motor vehicle, as
29 defined in Section 415 of the Vehicle Code, or any component
30 part of a motor vehicle assembled by, or for, a vehicle manufacturer
31 or franchised dealer, including replacement parts for use in a motor
32 vehicle.

33 (B) A video display device that is contained within, or a part of
34 a piece of industrial, commercial, or medical equipment, including
35 monitoring or control equipment.

36 (C) A video display device that is contained within a clothes
37 washer, clothes dryer, refrigerator, refrigerator and freezer,
38 microwave oven, conventional oven or range, dishwasher, room
39 air-conditioner, dehumidifier, or air purifier.

(D) An electronic device, on and after the date that it ceases to be a covered electronic device under subdivision (e) of Section 25214.10.1 of the Health and Safety Code.

(f) “Covered electronic waste” or “covered e-waste” means a covered electronic device that is discarded.

(g) “Covered electronic waste recycling fee” or “covered e-waste recycling fee” means the fee imposed pursuant to Article 3 (commencing with Section 42464).

(h) “Covered electronic waste recycler” or “covered e-waste recycler” means any of the following:

(1) A person who engages in the manual or mechanical separation of covered electronic devices to recover components and commodities contained therein for the purpose of reuse or recycling.

(2) A person who changes the physical or chemical composition of a covered electronic device, in accordance with the requirements of Chapter 6.5 (commencing with Section 25100) of Division 20 of the Health and Safety Code and the regulations adopted pursuant to that chapter, by deconstructing, size reduction, crushing, cutting, sawing, compacting, shredding, or refining for purposes of segregating components, for purposes of recovering or recycling those components, and who arranges for the transport of those components to an end user.

(3) A manufacturer who meets any conditions established by this chapter and Chapter 6.5 (commencing with Section 25100) of Division 20 of the Health and Safety Code for the collection or recycling of covered electronic waste.

(i) “Discarded” has the same meaning as defined in subdivision (b) of Section 25124 of the Health and Safety Code.

(j) “Electronic waste recovery payment” means an amount established and paid by the board pursuant to Section 42477.

(k) “Electronic waste recycling payment” means an amount established and paid by the board pursuant to Section 42478.

(l) “Hazardous material” has the same meaning as defined in Section 25501 of the Health and Safety Code.

(m) “Manufacturer” means either of the following:

(1) A person who manufactures a covered electronic device sold in this state.

(2) A person who sells a covered electronic device in this state under that person’s brand name.

1 (n) "Person" means an individual, trust firm, joint stock
2 company, business concern, and corporation, including, but not
3 limited to, a government corporation, partnership, limited liability
4 company, and association. Notwithstanding Section 40170,
5 "person" also includes a city, county, city and county, district,
6 commission, the state or a department, agency, or political
7 subdivision thereof, an interstate body, and the United States and
8 its agencies and instrumentalities to the extent permitted by law.

9 (o) "Recycling" has the same meaning as defined in subdivision
10 (a) of Section 25121.1 of the Health and Safety Code.

11 (p) "Refurbished," when used to describe a covered electronic
12 device, means a device that the manufacturer has tested and
13 returned to a condition that meets factory specifications for the
14 device, has repackaged, and has labeled as refurbished.

15 (q) "Retailer" means a person who makes a retail sale of a new
16 or refurbished covered electronic device. "Retailer" includes a
17 manufacturer of a covered electronic device who sells that covered
18 electronic device directly to a consumer through any means,
19 including, but not limited to, a transaction conducted through a
20 sales outlet, catalog, or the Internet, or any other similar electronic
21 means.

22 (r) (1) "Retail sale" has the same meaning as defined under
23 Section 6007 of the Revenue and Taxation Code.

24 (2) "Retail sale" does not include the sale of a covered electronic
25 device that is temporarily stored or used in California for the sole
26 purpose of preparing the covered electronic device for use
27 thereafter solely outside the state, and that is subsequently
28 transported outside the state and thereafter used solely outside the
29 state.

30 (s) "Vendor" means a person that makes a sale of a covered
31 electronic device for the purpose of resale to a retailer who is the
32 lessor of the covered electronic device to a consumer under a lease
33 that is a continuing sale and purchase pursuant to Part 1
34 (commencing with Section 6001) of Division 2 of the Revenue
35 and Taxation Code.

36 (t) "Video display device" means an electronic device with an
37 output surface that displays, or is capable of displaying, moving
38 graphical images or a visual representation of image sequences or
39 pictures, showing a number of quickly changing images on a screen
40 in fast succession to create the illusion of motion, including, if

1 applicable, a device that is an integral part of the display, in that
2 it cannot be easily removed from the display by the consumer, that
3 produces the moving image on the screen. A video display device
4 may use, but is not limited to, a cathode ray tube (CRT), liquid
5 crystal display (LCD), gas plasma, digital light processing, or other
6 image projection technology.

7 ~~SEC. 2. Section 6480 of the Revenue and Taxation Code is~~
8 ~~amended to read:~~

9 ~~6480. (a) For purposes of the imposition of the prepayment~~
10 ~~of sales tax on motor vehicle fuel or aircraft jet fuel pursuant to~~
11 ~~this article, the terms “aircraft jet fuel,” “aircraft jet fuel dealer,”~~
12 ~~“alcohol fuel,” “aviation gasoline,” “entry,” “in this state,” “motor~~
13 ~~vehicle fuel,” “person,” “removal,” “sale,” and “supplier” are~~
14 ~~defined pursuant to Part 2 (commencing with Section 7301), except~~
15 ~~as provided in subdivision (b).~~

16 ~~(b) For purposes of this article, “motor vehicle fuel” does not~~
17 ~~include aviation gasoline for use in propelling aircraft, or alcohol~~
18 ~~fuel used in motor vehicles.~~

19 ~~(c) For purposes of the imposition of the prepayment of sales~~
20 ~~tax on diesel fuel pursuant to this article, the terms “diesel fuel,”~~
21 ~~“entry,” “in this state,” “removal,” “person,” and “supplier,” are~~
22 ~~defined pursuant to Part 31 (commencing with Section 60001).~~

23 ~~(d) “Wholesaler” includes every person other than a supplier,~~
24 ~~dealing in motor vehicle fuel, aircraft jet fuel, or diesel fuel.~~
25 ~~“Wholesaler” does not include anyone dealing in motor vehicle~~
26 ~~fuel or diesel fuel in the capacity of an operator of a service station.~~
27 ~~“Wholesaler” does not include anyone dealing in aircraft jet fuel~~
28 ~~in the capacity of an aircraft jet fuel dealer.~~

29 ~~(e) With respect to diesel fuel and aircraft jet fuel, “sale” means:~~

30 ~~(1) The transfer of title or possession, exchange, or barter,~~
31 ~~conditional or otherwise, in any manner or by any means~~
32 ~~whatsoever, of aircraft jet fuel or diesel fuel (other than aircraft~~
33 ~~jet fuel or diesel fuel in a terminal) to a purchaser for a~~
34 ~~consideration.~~

35 ~~(2) The transfer of the inventory position in the aircraft jet fuel~~
36 ~~or diesel fuel in a terminal if the purchaser becomes the~~
37 ~~positionholder with respect to the taxable fuel.~~

38 ~~(f) For purposes of this article, aircraft jet fuel will be subject~~
39 ~~to the prepayment of sales tax at such time and in such manner as~~
40 ~~if it were subject to diesel fuel tax under the Diesel Fuel Tax Law~~

1 in Part 31 (commencing with Section 60001), except that in the
2 case of bulk transfers, aircraft jet fuel is not subject to the
3 prepayment of sales tax as to the removal of diesel fuel in this state
4 from any refinery as described in paragraph (1) of subdivision (a)
5 of Section 60052, the entry of diesel fuel into this state as described
6 in paragraph (1) of subdivision (b) of Section 60052, or the removal
7 of diesel fuel in this state as described in subdivision (c) of Section
8 60052.

9 SEC. 3. Section 7304 of the Revenue and Taxation Code is
10 amended to read:

11 7304. "Alcohol" includes ethanol and methanol that has been
12 denatured in accordance with the provisions of subdivision (b) of
13 Section 7304.1.

14 SEC. 4. Section 7304.1 is added to the Revenue and Taxation
15 Code, to read:

16 7304.1. (a) Notwithstanding any provision of the Alcoholic
17 Beverage Control Act (Division 9 (commencing with Section
18 23000) of the Business and Professions Code), any alcohol
19 produced for use in or as a fuel to propel a motor vehicle shall be
20 taxed as fuel under this part and shall not be subject to taxes under
21 the Alcoholic Beverage Tax Law (Part 14 (commencing with
22 Section 32001)).

23 (b) The state requirement for determining whether alcohol is
24 produced for use in or as a fuel to propel a motor vehicle and not
25 for use as an alcoholic beverage shall be the same as the
26 requirements of the Alcohol and Tobacco Tax and Trade Bureau
27 of the United States Department of Treasury under federal law.

28 SEC. 5. Section 7304.2 is added to the Revenue and Taxation
29 Code, to read:

30 7304.2. "Alcohol fuel" means a motor vehicle fuel containing
31 not more than 15 percent gasoline or diesel fuel.

32 SEC. 6. Section 7326 of the Revenue and Taxation Code is
33 amended to read:

34 7326. "Motor vehicle fuel" means gasoline, aviation gasoline,
35 and alcohol. It does not include jet fuel, diesel fuel, kerosene,
36 liquefied petroleum gas, natural gas in liquid or gaseous form, or
37 racing fuel.

38 SEC. 7. Section 7339 of the Revenue and Taxation Code is
39 amended to read:

~~7339. “Terminal” means a motor vehicle fuel storage and distribution facility that is supplied by pipeline or vessel, and from which motor vehicle fuel may be removed at a rack. “Terminal” includes a fuel production facility where motor vehicle fuel is produced and stored and from which motor vehicle fuel may be removed at a rack. “Terminal” includes an alcohol storage facility.~~

~~SEC. 8. Section 7339.2 is added to the Revenue and Taxation Code, to read:~~

~~7339.2. “Alcohol storage facility” means a storage and distribution facility, that is supplied by means other than pipeline or vessel, in which alcohol is stored and from which alcohol may be removed at a rack.~~

~~SEC. 9. Section 7360.1 is added to the Revenue and Taxation Code, to read:~~

~~7360.1. (a) Notwithstanding Section 7360, the excise tax imposed upon alcohol fuel shall be one-half the rate prescribed by Section 7360 for each gallon of fuel.~~

~~(b) All references in this code to Section 7360 shall be deemed, with respect to the rate imposed upon alcohol fuel, to also refer to this section.~~

~~SEC. 10. Section 7401 of the Revenue and Taxation Code is amended to read:~~

~~7401. (a) The provisions of this part requiring the payment of motor vehicle fuel taxes do not apply to any of the following:~~

~~(1) Any entry or removal from a terminal or refinery of motor vehicle fuel transferred in bulk to a refinery or terminal if the persons involved (including the terminal operator) are licensed suppliers.~~

~~(2) The removal of motor vehicle fuel, if all of the following apply:~~

~~(A) The motor vehicle fuel is removed by railroad car from an approved refinery and is received at an approved terminal.~~

~~(B) The refinery and the terminal are operated by the same licensed supplier.~~

~~(C) The refinery is not served by pipeline (other than a pipeline for the receipt of crude oil) or vessel.~~

~~(3) Motor vehicle fuel which, pursuant to the contract of sale, is required to be shipped and is shipped to a point outside of this state by a supplier by means of any of the following:~~

~~(A) Facilities operated by the supplier.~~

1 ~~(B) Delivery by the supplier to a carrier, customs broker, or~~
2 ~~forwarding agency, whether hired by the purchaser or not, for~~
3 ~~shipment to the out-of-state point.~~

4 ~~(C) Delivery by the supplier to any vessel clearing from a port~~
5 ~~of this state for a port outside of this state and actually exported~~
6 ~~from this state in the vessel.~~

7 ~~(4) Motor vehicle fuel sold by credit card certified by the United~~
8 ~~States Department of State to any consulate officer or consulate~~
9 ~~employee of a foreign government who is not engaged in any~~
10 ~~private occupation for gain within this state, who uses the motor~~
11 ~~vehicle fuel in a motor vehicle that is registered with the United~~
12 ~~States Department of State, and whose government has done either~~
13 ~~of the following:~~

14 ~~(A) Entered into a treaty with the United States providing for~~
15 ~~the exemption of its representatives from national, state, and~~
16 ~~municipal taxes.~~

17 ~~(B) Granted a similar exemption to representatives of the United~~
18 ~~States.~~

19 ~~(5) Motor vehicle fuel sold to the United States armed forces~~
20 ~~for use in ships or aircraft, or for use outside this state.~~

21 ~~(6) Gasoline blendstocks or alcohol removed from a pipeline~~
22 ~~or vessel, when the gasoline blendstocks or alcohol are received~~
23 ~~by a licensed industrial user.~~

24 ~~(7) Any entry or removal from a terminal or refinery of gasoline~~
25 ~~blendstocks that are received at an approved terminal or refinery~~
26 ~~if the person otherwise liable for the tax is a licensed supplier.~~

27 ~~(8) Any entry or removal from a terminal or refinery of gasoline~~
28 ~~blendstocks or alcohol not in connection with a sale if the person~~
29 ~~otherwise liable for the tax is a licensed supplier and the person~~
30 ~~does not use the gasoline blendstocks or alcohol to produce finished~~
31 ~~gasoline.~~

32 ~~(9) Any entry or removal from a terminal or refinery of gasoline~~
33 ~~blendstocks or alcohol in connection with a sale if the person~~
34 ~~otherwise liable for the tax is a licensed supplier and at the time~~
35 ~~of sale, such person has an unexpired exemption certificate~~
36 ~~described in Section 7402 from the buyer and has no reason to~~
37 ~~believe any information in the certificate is false.~~

38 ~~(10) If paragraph (8) or (9) applied to the removal or entry of~~
39 ~~gasoline blendstocks or alcohol, any resale made of gasoline~~
40 ~~blendstocks or alcohol, when the person has an unexpired~~

1 exemption certificate described in Section 7402 from the buyer
2 and has no reason to believe any information in the certificate is
3 false.

4 (11) Motor vehicle fuel sold by a supplier to a train operator for
5 use in a motor vehicle fuel-powered train or for other off-highway
6 use and the supplier has on hand an exemption certificate described
7 in Section 7403 from the train operator.

8 (12) Any entry by railcar of alcohol received at an approved
9 terminal located in this state.

10 (13) Any removal within this state of alcohol from an approved
11 terminal that is received at an approved terminal or refinery.

12 (b) For purposes of this section:

13 (1) "Carrier" means a person or firm engaged in the business
14 of transporting for compensation property owned by other persons;
15 and includes both common and contract carriers.

16 (2) "Forwarding agent" means a person or firm engaged in the
17 business of preparing property for shipment or arranging for its
18 shipment.

19 SEC. 11. Section 7402 of the Revenue and Taxation Code is
20 amended to read:

21 7402. (a) The certificate to be provided by a buyer of gasoline
22 blendstocks or alcohol consists of a statement that is signed under
23 penalty of perjury by a person with authority to bind the buyer. A
24 new certificate must be given if any information in the current
25 certificate changes. The certificate may be included as part of any
26 business records normally used to document a sale. The certificate
27 expires on the earliest of the following dates:

28 (1) The date one year after the effective date of the certificate.

29 (2) The date a new certificate is provided by the buyer to the
30 seller.

31 (b) An exemption certificate for gasoline blendstocks or alcohol
32 that states that the blendstocks or alcohol will not be used to
33 produce finished gasoline shall contain that information and be in
34 the form as the board may prescribe.

35 SEC. 12. Section 8651.8 of the Revenue and Taxation Code
36 is repealed.

37 SEC. 13. Section 8657 of the Revenue and Taxation Code is
38 repealed.

~~SEC. 14.~~

SEC. 2. Section 41030 of the Revenue and Taxation Code is amended to read:

41030. The office of the State Chief Information Officer shall determine annually, on or before October 1, a surcharge rate that it estimates will produce sufficient revenue to fund the current fiscal year's 911 costs. The surcharge rate shall be determined by dividing the costs (including incremental costs) the Department of General Services estimates for the current fiscal year of 911 plans approved pursuant to Section 53115 of the Government Code, less the available balance in the State Emergency Telephone Number Account in the General Fund, by its estimate of the charges for intrastate telephone communications services and VoIP service to which the surcharge will apply for the period of January 1 to December 31, inclusive, of the next succeeding calendar year, but in no event shall such surcharge rate in any year be greater than three-quarters of 1 percent nor less than one-half of 1 percent.

~~SEC. 15.~~

SEC. 3. Section 41031 of the Revenue and Taxation Code is amended to read:

41031. The office of the State Chief Information Officer shall make its determination of such surcharge rate each year no later than October 1 and shall notify the board of the new rate, which shall be fixed by the board to be effective with respect to charges made for intrastate telephone communication services and VoIP service on or after January 1 of the next succeeding calendar year.

~~SEC. 16.~~

SEC. 4. Section 41032 of the Revenue and Taxation Code is amended to read:

41032. Immediately upon notification by the office of the State Chief Information Officer and fixing the surcharge rate, the board shall each year no later than November 15 publish in its minutes the new rate, and it shall notify by mail every service supplier registered with it of the new rate.

~~SEC. 17.~~

SEC. 5. Section 41136.1 of the Revenue and Taxation Code is amended to read:

41136.1. For each fiscal year, moneys in the State Emergency Telephone Number Account not appropriated for a purpose specified in Section 41136 shall be held in trust for future

1 appropriation for upcoming, planned “911” emergency telephone
2 number projects that have been approved by the office of the State
3 Chief Information Officer, even if the projects have not yet
4 commenced.

5 ~~SEC. 18.~~

6 *SEC. 6.* Section 41137 of the Revenue and Taxation Code is
7 amended to read:

8 41137. The office of the State Chief Information Officer shall
9 pay, from funds appropriated from the State Emergency Telephone
10 Number Account by the Legislature, as provided in Section 41138,
11 bills submitted by service suppliers or communications equipment
12 companies for the installation and ongoing costs of the following
13 communication services provided local agencies by service
14 suppliers in connection with the “911” emergency telephone
15 number system:

- 16 (a) A basic system.
- 17 (b) A basic system with telephone central office identification.
- 18 (c) A system employing automatic call routing.
- 19 (d) Approved incremental costs that have been concurred in by
20 the office of the State Chief Information Officer.

21 ~~SEC. 19.~~

22 *SEC. 7.* Section 41137.1 of the Revenue and Taxation Code is
23 amended to read:

24 41137.1. The office of the State Chief Information Officer shall
25 pay, from funds appropriated from the State Emergency Telephone
26 Number Account by the Legislature, as provided in Section 41138,
27 claims submitted by local agencies for approved incremental costs
28 and for the cost of preparation of final plans submitted to the office
29 of the State Chief Information Officer for approval on or before
30 October 1, 1978, as provided in Section 53115 of the Government
31 Code.

32 ~~SEC. 20.~~

33 *SEC. 8.* Section 41138 of the Revenue and Taxation Code is
34 amended to read:

35 41138. (a) It is the intent of the Legislature that the
36 reimbursement rates for “911” emergency telephone number
37 equipment shall not exceed specified amounts negotiated with
38 each interested supplier and approved by the office of the State
39 Chief Information Officer. The office of the State Chief
40 Information Officer shall negotiate supplier pricing to ensure cost

1 effectiveness and the best value for the “911” emergency telephone
2 number system. The office of the State Chief Information Officer
3 shall pay those bills as provided in Section 41137 only under the
4 following conditions:

5 (1) The office of the State Chief Information Officer shall have
6 received the local agency’s “911” emergency telephone number
7 system plan by July 1 of the prior fiscal year and approved the
8 plan by October 1 of the prior fiscal year.

9 (2) The Legislature has appropriated in the Budget Bill an
10 amount sufficient to pay those bills.

11 (3) The office of the State Chief Information Officer has
12 reviewed and approved each line item of a request for funding to
13 ensure the necessity of the proposed equipment or services and
14 the eligibility for reimbursement.

15 (4) The amounts to be paid do not exceed the pricing submitted
16 by the supplier and approved by the office of the State Chief
17 Information Officer. Extraordinary circumstances may warrant
18 spending in excess of the established rate, but shall be preapproved
19 by the office of the State Chief Information Officer. In determining
20 the reimbursement rate, the office of the State Chief Information
21 Officer shall utilize the approved pricing submitted by the supplier
22 providing the equipment or service.

23 (b) Nothing in this section shall be construed to limit an agency’s
24 ability to select a supplier or procure telecommunications
25 equipment as long as the supplier’s pricing is preapproved by the
26 office of the State Chief Information Officer. Agencies shall be
27 encouraged to procure equipment on a competitive basis. Any
28 amount in excess of the pricing approved by the office of the State
29 Chief Information Officer shall not be reimbursed.

30 ~~SEC. 21.~~

31 *SEC. 9.* Section 41139 of the Revenue and Taxation Code is
32 amended to read:

33 41139. From funds appropriated by the Legislature from the
34 Emergency Telephone Number Account, the office of the State
35 Chief Information Officer shall begin paying such bills as provided
36 in Sections 41137, 41137.1, and 41138 in the 1977–78 fiscal year
37 for plans submitted by local agencies by July 1, 1976 to the office
38 of the State Chief Information Officer which the office of the State
39 Chief Information Officer has approved.

1 ~~SEC. 22.~~

2 *SEC. 10.* Section 41140 of the Revenue and Taxation Code is
3 amended to read:

4 41140. The office of the State Chief Information Officer shall
5 reimburse local agencies, from funds appropriated from the
6 Emergency Telephone Number Account by the Legislature, for
7 amounts not previously compensated for by another governmental
8 agency, which have been paid by such agencies for approved
9 incremental costs or to service suppliers or communication
10 equipment companies for the following communications services
11 supplied in connection with the “911” emergency phone number,
12 provided such local agency plans had been approved by the office
13 of the State Chief Information Officer:

- 14 (a) A basic system.
15 (b) A basic system with telephone central office identification.
16 (c) A system employing automatic call routing.
17 (d) Approved incremental costs.

18 ~~SEC. 23.~~

19 *SEC. 11.* Section 41141 of the Revenue and Taxation Code is
20 amended to read:

21 41141. Claims for reimbursement shall be submitted by local
22 agencies to the office of the State Chief Information Officer, which
23 shall determine payment eligibility and shall reduce the claim for
24 charges which exceed the approved incremental costs, approved
25 contract amounts, or the established tariff rates for such costs. No
26 claim shall be paid until funds are appropriated by the Legislature.

27 ~~SEC. 24.~~

28 *SEC. 12.* Section 41142 of the Revenue and Taxation Code is
29 amended to read:

30 41142. Notwithstanding any other provision of this article, if
31 the Legislature fails to appropriate an amount sufficient to pay
32 bills submitted to the office of the State Chief Information Officer
33 by service suppliers or communications equipment companies for
34 the installation and ongoing communications services supplied
35 local agencies in connection with the “911” emergency phone
36 number system, and to pay claims of local agencies which, prior
37 to the effective date of this part, paid amounts to service suppliers
38 or communications equipment companies for the installation and
39 ongoing expenses in connection with the “911” emergency phone
40 number system, the obligation of service suppliers and local

1 agencies to provide “911” emergency telephone service shall
2 terminate and such service shall not again be required until the
3 Legislature has appropriated an amount sufficient to pay such bills
4 or claims. Nothing in this part shall preclude local agencies from
5 purchasing or acquiring any communication equipment from
6 companies other than the telephone service suppliers.

7 ~~SEC. 25.~~

8 *SEC. 13.* Section 45855 of the Revenue and Taxation Code is
9 amended to read:

10 45855. Any information regarding solid wastes which is
11 available to the board shall be made available to the Department
12 of Resources Recycling and Recovery.

13 ~~SEC. 26.~~

14 *SEC. 14.* Section 45863 of the Revenue and Taxation Code is
15 amended to read:

16 45863. The board shall, in cooperation with the Department
17 of Resources Recycling and Recovery, the Taxpayers’ Rights
18 Advocate, and other interested taxpayer-oriented groups, develop
19 a plan to reduce the time required to resolve petitions for
20 redetermination and claims for refunds. The plan shall include the
21 determination of standard timeframes and special review of cases
22 which take more time than the appropriate standard timeframe.

23 ~~SEC. 27.~~

24 *SEC. 15.* Section 45981 of the Revenue and Taxation Code is
25 amended to read:

26 45981. (a) The board shall provide any information obtained
27 under this part to the Department of Resources Recycling and
28 Recovery.

29 (b) The Department of Resources Recycling and Recovery and
30 the board may utilize any information obtained pursuant to this
31 part to develop data on the generation or disposal of solid waste
32 within the state. Notwithstanding any other provision of this
33 chapter, the Department of Resources Recycling and Recovery
34 may make waste generation and disposal data available to the
35 public.

36 ~~SEC. 28.~~

37 *SEC. 16.* Section 45982 of the Revenue and Taxation Code is
38 amended to read:

39 45982. Neither the Department of Resources Recycling and
40 Recovery, nor any person having an administrative duty under

1 Part 9 (commencing with Section 15600) of Division 3 of Title 2
2 of the Government Code shall disclose the business affairs,
3 operations, or any other proprietary information pertaining to a
4 fee payer, except a fee payer which is a public agency, which was
5 submitted to the board in a report or return required by this part,
6 or permit any report or copy thereof or any book containing any
7 abstract or particulars thereof to be seen or examined by any person
8 not expressly authorized by Section 45981 or this section.
9 However, the Governor may, by general or special order, authorize
10 examination of the records maintained by the board under this part
11 by other state officers, by officers of another state, by the federal
12 government if a reciprocal arrangement exists, or by any other
13 person. The information so obtained pursuant to the order of the
14 Governor shall not be made public except to the extent and in the
15 manner that the order may authorize that it be made public.
16 ~~SEC. 29. This act provides for a tax levy within the meaning~~
17 ~~of Article IV of the Constitution and shall go into immediate effect.~~